

14971. Misbranding and alleged adulteration of jellies. U. S. v. 70 Cases of Assorted Jellies. Decree entered, adjudging products misbranded. Products released under bond. (F. & D. No. 21096. I. S. Nos. 12256-x to 12261-x, incl. S. No. C-5153.)

On or about June 7, 1926, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 70 cases of assorted jellies, remaining in the original unbroken packages at Bay City, Mich., alleging that the articles had been shipped by the C. VonAllen Preserving Co. (C. Von Allmen Preserving Co.), from Louisville, Ky., October 24, 1925, and transported from the State of Kentucky into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Tumbler) "Light House Fruit Pectin Strawberry" (or "Raspberry," "Blackberry," "Plum," "Grape," "Apple") "Jelly."

It was alleged in the libel that the articles, with the exception of the apple jelly, were adulterated, in that a substance, pectin, had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality and strength; in that substances, pectin jellies colored with fruit juices and acidified with tartaric acid, had been substituted wholly or in part for the said articles; and in that they were colored in a manner whereby damage and inferiority was concealed. Adulteration of the apple jelly was alleged for the reason that a substance, pectin jelly with added tartaric acid, had been substituted wholly or in part for the said article.

Misbranding was alleged with respect to all jellies for the reason that the statements "Fruit Pectin Strawberry" (or "Raspberry," "Blackberry," "Plum," "Grape," "Apple," as the case might be), borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to all the jellies, with the exception of the apple, for the further reason that they were imitations of and offered for sale under the distinctive names of other articles.

On November 13, 1926, the C. E. Von Allmen Preserving Co., Louisville, Ky., having appeared as claimant for the property, a decree was entered, adjudging the products misbranded and ordering that they be released to the said claimant upon the filing of a bond in the sum of \$500, conditioned that they not be sold or otherwise disposed of contrary to law, and it was further ordered that the claimant pay the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

14972. Misbranding of oysters. U. S. v. George W. Donoho and Alexander Donoho. Pleas of guilty. Fines, \$20. (F. & D. No. 21555. I. S. No. 5739-x.)

On January 19, 1927, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George W. Donoho and Alexander Donoho, copartners, trading as Donoho & Co., Seaford, Del., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about February 8, 1926, from the State of Delaware into the State of New York, of a quantity of oysters which were misbranded. The article was labeled in part: (Can) "' Selects' Del. 4 1 Gallon," (tag) "Donoho & Co., * * * Seaford, Delaware."

Misbranding of the article was alleged in the information for the reason that the statement "1 Gallon," borne on the cans containing the said article, was false and misleading, in that the said statement represented that each of said cans contained 1 gallon of oysters, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the cans contained 1 gallon of oysters, whereas each of said cans did not contain 1 gallon of oysters but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 29, 1927, the defendants entered pleas of guilty to the information, and the court imposed fines totaling \$20.

W. M. JARDINE, *Secretary of Agriculture.*